

**FILED**

**JUN 09 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

BORIS ELIZAROV,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 06-70470

Agency No. A72-541-223

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Before: CANBY, T.G. NELSON and KLEINFELD, Circuit Judges.<sup>\*\*</sup>

Respondent's motion for summary disposition is granted because the questions raised by this petition for review are so insubstantial as not to require further argument. *See* 8 C.F.R. § 1003.2(c)(2) (a "motion to reopen deportation . . . proceedings . . . must be filed no later than 90 days after the date on which the final administrative decision was rendered in the proceeding sought to be

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

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reopened, or on or before September 30, 1996, whichever is later”); *United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

Petitioner’s reliance on the initial panel order in *Velezmoro v. Ashcroft*, No.

02-73244, is misplaced. That panel order was vacated by the en banc court on

January 18, 2005 in an unpublished memorandum disposition. *Velezmoro v.*

*Ashcroft*, No. 02-73244, 2005 WL 91619 (9th Cir. Jan. 18, 2005). Accordingly,

this petition for review is denied.

**PETITION FOR REVIEW DENIED.**